

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re

DPH HOLDINGS CORP., et al.,

Reorganized Debtors

**AFFIDAVIT OF  
CURTIS J. DUXBURY**

Chapter 11

Case No. 05-44481 (RDD)

(Jointly Administered)

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Curtis J. Duxbury, being duly sworn, deposes and says:

1. I am a plaintiff in a tort action pending in the New York State Supreme Court for Niagara County, Index No. 145259, against, among other defendants, Delphi Automotive Systems, LLC.

2. I make this affidavit in response to the Motion seeking an injunction against me and my wife, Carol Duxbury, from maintaining my action against Delphi.

3. I am a former employee of Delphi.

4. In January, 2007, I contacted Delphi regarding my retirement benefits. At the time that I retired, I was offered the opportunity to retire as a General Motors employee, and accepted that offer.

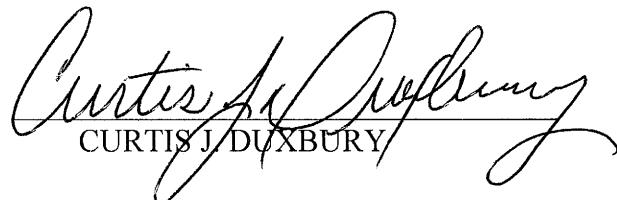
5. When I contacted Delphi in January, 2007, I was advised that all of my records had been transferred to General Motors and that Delphi no longer had any record of me as an employee.

6. It was at or about that time, in January, 2007, that I last received any notice from Delphi regarding my employment with Delphi or the pending bankruptcy of Delphi.

7. I did not receive any documentation in June of 2009 regarding the bankruptcy of Delphi and, more specifically, the Administrative Expense Claim bar date of July 15, 2009.

8. In light of my conversation in January, 2007, any documentation that I would have received regarding the Delphi bankruptcy would have stood out in my mind.

9. As such, at the time that I commenced my personal injury claim against Delphi, I was unaware of any Administrative Expense Claim bar date, and I commenced that action in good faith that I was permitted to pursue an action against Delphi.



CURTIS J. DUXBURY

Sworn to before me this 11<sup>th</sup>  
day of October, 2013.



Notary Public

ERIN M. FLYNN  
Notary Public, State of New York  
#01FL6241165  
Qualified in Erie County  
My Commission Expires 5-15-2015